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E-Filed on: February 22, 2010

7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**

9 In Re:

Case No.: BK-S-09-16897-mkn
Chapter 13

10 VIRGINIA KOEHN,

Date: OST PENDING
Time: OST PENDING

11 Debtor(s).

12
13 Trustee: Rick A. Yarnall

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15 **MOTION TO SELL RESIDENCE BY A "SHORT SALE" AND APPLICATION FOR**
16 **COMPENSATION AND REIMBURSEMENT OF EXPENSES**

17 COMES NOW the Debtor(s), VIRGINIA KOEHN, by and through her attorney, Laura L.
18 Fritz, Esq. of ANDREW S. T. FRITZ, LTD., respectfully requests this Court to allow the Debtor to
19 sell her homestead residence in a short sale.

20 DATED: February 19, 2010

21 /S/ Laura L. Fritz, Esq.
22 Laura L. Fritz, Esq.

23 **MOTION TO SELL RESIDENCE BY A "SHORT SALE"**

24 **POINTS AND AUTHORITIES**

25 Pursuant to 11 U.S.C. Section 1303, the Debtor has the rights and powers of a trustee
26 under Section 363(b), which states: (1) "The Trustee, after notice and a hearing, may use, sell, or
27 lease, other in the ordinary course of business, property of the estate."
28

STATEMENT OF FACTS

1. The Debtor, VIRGINIA KOEHN, filed a voluntary Petition under Chapter 13 of the bankruptcy Code on April 30, 2009.
2. The Debtors' plan #1 was confirmed on August 26, 2009.
3. The Debtors have entered into an agreement to sell their home in a short sale to a third party for the sum of \$122,000.
4. The Debtor will not receive any proceeds from the sale of the home. The First Deed of Trust will be satisfied in full and the Second Deed of Trust has agreed to the sale.
5. Attached as an Exhibit is a copy of the pay off from Wells Fargo Bank, National Association as serviced by America's Servicing Company, Second Deed of Trust holder Brynn Miner's Beneficiary Demand and a copy of the Estimated Settlement Statement.
6. A payment of \$750 is being held in Trust for attorney fees and costs with another payment of \$750 to be paid through the closing of escrow.

APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

INCORPORATION OF CHAPTER 13 GUIDELINES

This application incorporates the Chapter 13 Guidelines for application for attorney's fees and reimbursement of expenses.

APPLICANTS' REPRESENTATIONS

The undersigned applicant hereby represents: (a) that all basic services have been satisfactorily performed and basic fees and expenses earned (if applicable); (b) that this application seeks only fees and expenses for services rendered in addition to basic services and expenses (if applicable); (c) that the fees and expenses sought in this application will not be shared with any other entity; (d) that unless otherwise explained, the plan is viable and approval

of this application will not render plan is viable or have a substantial affect on the distribution to general unsecured creditors; (e) that unless otherwise explained below, applicant reasonably believes that this is not a final application for fees and expenses. Unexpected additional work may be necessary; and (f) the Debtor(s)'s Chapter 13 plan was confirmed on August 26, 2009

COMPENSATION AND EXPENSES SOUGHT IN THIS APPLICATION

This application seeks additional compensation and expenses in the amount of \$1,500.00 as detailed in the Declaration of Laura L. Fritz, Esq. filed concurrently with this Motion to Sell Residence by a "Short Sale" and Application for Compensation and Reimbursement of Expenses.

NARRATIVE DESCRIPTION OF COMPENSATION SOUGHT IN THIS

APPLICATION

This application seeks compensation and expenses for the following services

()	Amended plan #_____
()	Additional claims resolution
()	Motion to lift stay
()	Motion to Dismiss
(XXX)	Other: Motion to Sell Residence by a "Short Sale"
	Motion for Order Shortening Time

TOTAL FEES AND EXPENSES

The total fees and expenses sought in this case are as follows:

a.	Fees and expenses for basic services:	<u>\$4,000.00</u>
b.	Additional fees approved by the Court:	
	(1) Order dated_____	\$_____
	(2) Order dated_____	\$_____
c.	Fees and expenses sought in this application:	<u>\$1,500.00</u>
d.	Total fees and expenses sought in this case:	<u>\$5,500.00</u>

PAID BY DEBTOR

The Debtor(s) has paid directly to attorney for Debtor(s) the sum of \$965.00 for attorney's fees and \$274.00 for filing fees. The Chapter 13 Trustee has paid or will pay all fees and expenses previously ordered by the Court plus fees approved in this application. The fees sought will not decrease any distribution to creditors although it may suspend payment to creditors.

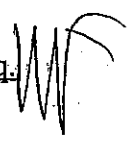
CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court:

1. Allow the short sale to be completed as set forth in the Exhibit;
2. Allow the Debtors to sign any documents to complete the short sale;
3. Approve the fees requested through this motion; and
4. For such other and further relief which the Court deems just and proper.

Dated: February 19, 2010

/S/ Laura L. Fritz, Esq.
Laura L. Fritz, Esq.
Attorney for the Debtors



APN: 001-09-613-025
 Andrew S. T. Fritz, Ltd.
 Laura L. Fritz, Esq.
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 Andrew Fritz, Esq.
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 625 S. Sixth St.
 Las Vegas, NV 89101
 Attorney for Debtor(s)

PROPOSED

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:)	Chapter 13 Proceedings
)	Case No. 09-16897-mkn
VIRGINIA KOEHN,)	
)	
Debtor(s))	
)	DATE: OST PENDING
)	TIME: OST PENDING
)	TRUSTEE: Rick A. Yarnall

**ORDER ON MOTION TO SELL RESIDENCE BY A "SHORT SALE" AND
 APPROVING APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF
 EXPENSES**

The matter having come on for hearing on [OST PENDING], LAURA L. FRITZ, ESQ., of
 ANDREW S. T. FRITZ, LTD., having filed a Motion to Sell Residence by a "Short Sale" and
 Application for Compensation and Reimbursement of Expenses; with LAURA L. FRITZ, ESQ.,
 appearing; and, pursuant to notice duly given, no Opposition having been filed by creditors, or the
 Chapter 13 Trustee, and for good cause appearing, it is hereby

1 **ORDERED** that the short sale of the residence by allowed as set forth in the Exhibit. It is
2 further

3 **ORDERED** that the Debtors be allowed to sign any documents necessary to complete the
4 short sale. It is further

5 **ORDERED** that the Debtor's attorney, Laura L. Fritz, Esq. is awarded \$1,500 in attorney's
6 fees. \$750 of which has already been paid by the Debtor, and the remaining \$750 to be paid through
7 escrow at the close of the Short Sale.

8 In accordance with LR 9021, counsel submitting this document certifies as follows
(check one):

9 ☐ The court has waived the requirement of approval under LR 9021.

10 ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
11 copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties
12 who appeared at the hearing, and each has approved or disapproved the order, as indicated below
13 [list each party and whether the party has approved, disapproved, or failed to respond to the
14 document]:

15 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
16 counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and
17 each has approved or disapproved the order, or failed to respond, as indicated below [list each party
18 and whether the party has approved, disapproved, or failed to respond to the document]:

19 ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
20 written objections.

21 Submitted by:

22 /S/ Laura L. Fritz, Esq.
23 ATTORNEY FOR DEBTOR(s)

Approved / Disapproved / No Response

24 /S/ Rick A. Yarnall, Esq.
25 Rick A. Yarnall, Chapter 13 Trustee, or
26 Attorney for Trustee

Approved / Disapproved

27 /S/ Gregory Wilde, WILDE & ASSOCIATES
ATTORNEY FOR CREDITOR(s)

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